

China? I think the Senator from Minnesota will agree with me that there is a condition that exists now as a result of a decision made by President Clinton not long ago to delink the issue of trade and human rights. Now, there are rational points on both sides of that debate. But the point is, that decision was made. So then the question then comes, if we are not going to engage in a debate over human rights with the issue of trade, where are we going to do it?

It seems to me it is a reasonable, rational position to take that the debate ought to take place in the United Nations about violations of human rights. So we are very simply saying to our colleagues in the U.S. Senate, and to the President of the United States, we believe now is the time to move forward to condemn China for its human rights violations and to make it a cause. I am not shy about saying that. I believe we should do it. I don't think that, in any way, we are going to make things tougher for the people of China as a result of it. In fact, everyone we have had the opportunity to talk with has indicated to us that their treatment improves when the United States raises these concerns. So, Mr. President, I hope we do have a strong vote for this resolution, and I believe we will.

I yield back the remainder of my time.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I ask unanimous consent that I may speak for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I was remiss in not mentioning earlier that Senator HELMS absolutely lived up to his commitment to make sure that the Senate Foreign Relations Committee took up this matter. I thank him for that.

Finally, I just want to say to my colleague from Florida that I very much appreciate his eloquence. I think he really feels these issues. I think it was more than a scripted speech. I think what he said was powerful, and I hope, too, that we will get a very, very strong, resounding vote.

I yield my time.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. BROWNBACK). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 5, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—95

|         |          |          |
|---------|----------|----------|
| Abraham | Ashcroft | Biden    |
| Akaka   | Baucus   | Bingaman |
| Allard  | Bennett  | Bond     |

|           |            |               |
|-----------|------------|---------------|
| Boxer     | Graham     | McCain        |
| Breaux    | Gramm      | McConnell     |
| Brownback | Grassley   | Mikulski      |
| Bryan     | Gregg      | Moseley-Braun |
| Bumpers   | Hagel      | Moynihan      |
| Burns     | Harkin     | Murkowski     |
| Byrd      | Hatch      | Murray        |
| Campbell  | Helms      | Nickles       |
| Cleland   | Hollings   | Reed          |
| Coats     | Hutchinson | Reid          |
| Cochran   | Hutchison  | Robb          |
| Collins   | Inhofe     | Roberts       |
| Conrad    | Inouye     | Rockefeller   |
| Coverdell | Jeffords   | Roth          |
| Craig     | Johnson    | Santorum      |
| D'Amato   | Kempthorne | Sarbanes      |
| Daschle   | Kennedy    | Sessions      |
| DeWine    | Kerrey     | Shelby        |
| Dodd      | Kerry      | Smith (NH)    |
| Domenici  | Kohl       | Smith (OR)    |
| Dorgan    | Kyl        | Snowe         |
| Durbin    | Landrieu   | Specter       |
| Enzi      | Lautenberg | Thomas        |
| Faircloth | Leahy      | Thompson      |
| Feingold  | Levin      | Torricelli    |
| Feinstein | Lieberman  | Warner        |
| Ford      | Lott       | Wellstone     |
| Frist     | Lugar      | Wyden         |
| Gorton    | Mack       |               |

NAYS—5

|        |         |          |
|--------|---------|----------|
| Chafee | Grams   | Thurmond |
| Glenn  | Stevens |          |

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 187), with its preamble, was agreed to, as follows:

S. RES. 187

Whereas the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, provides a forum for discussing human rights and expressing international support for improved human rights performance;

Whereas according to the United States Department of State and international human rights organizations, the Government of the People's Republic of China engages in widespread human rights violations; and

Whereas President Clinton pledged that the United States would step up its efforts in cooperation with other states to insist that the United Nations Commission on Human Rights pass a resolution dealing with the serious human rights abuses in the People's Republic of China: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the United States should introduce and make all efforts necessary to pass a resolution criticizing the People's Republic of China for its human rights abuses in China and Tibet at the annual meeting of the United Nations Commission on Human Rights.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Pennsylvania.

#### INDICTMENT AND PROSECUTION OF SADDAM HUSSEIN

Mr. SPECTER. Mr. President, I have been asked by our distinguished majority leader to request that we now proceed to Calendar No. 322, relative to the war crimes, under the provisions of the consent agreement entered into on March 9, 1998.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 78) relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity.

The Senate proceeded to consider the concurrent resolution.

Mr. SPECTER. Mr. President, the majority leader has asked me to express his intention to have a vote on this resolution occur tomorrow at around 9:30 a.m. and the majority leader notes that he will inform all Members as to when that vote is set by unanimous consent.

The majority leader has also asked me to announce—if I may have the attention of the majority leader on this part—the majority leader has asked me to announce that there will be no further rollcall votes this afternoon. I hesitate to do that on my own, but, with Senator LOTT here—and he says, now, the vote will be fixed with precision at 9:30 in the morning.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this resolution has been offered by Senator DORGAN and myself. The most expeditious way to move to the import of the resolution is to read the "resolved" clause. It is as follows:

That the President should:

(1) call for the creation of a commission under the auspices of the United Nations to establish an international record of the criminal culpability of Saddam Hussein, and other Iraqi officials;

(2) call for the United Nations to form an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi officials who are responsible for crimes against humanity, genocide, and other violations of international law; and

(3) upon the creation of such an international criminal tribunal, take steps necessary, including the reprogramming of funds, to ensure United States support for efforts to bring Saddam Hussein and other Iraqi officials to justice.

This move to try Saddam Hussein as a war criminal is the most recent in a series of moves to establish the international rule of law with an international criminal court. The antecedent for this activity lay in the international military tribunal at Nuremberg, which was convened to try individuals for crimes against international law committed during World War II. The Nuremberg tribunal provisions stated that:

Crimes against international law are committed by men, not abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced.

That statement is as valid today as it was in 1946. For more than a decade, many of us in the Congress of the United States have sought to create an international criminal court to deal with crimes against humanity and other international crimes. Senator DODD and I have authored a series of resolutions in the U.S. Senate. In the House of Representatives, under the leadership of Congressman JIM LEACH, a number of resolutions have been offered. The international criminal court is moving forward, with a realistic likelihood of the establishment of such an international criminal court in the not too far distant future. And, in the interim, the War Crimes Tribunal has

been established by the United Nations to try crimes against humanity from the former Yugoslavia, the offenses committed in Bosnia and related territories, and for crimes against humanity committed in Rwanda.

The War Crimes Tribunal is in existence. I have had the opportunity to visit it on three occasions to see the operation of the Tribunal. It would be merely an extension of the War Crimes Tribunal to include the import of the current resolution so that Saddam Hussein could be tried as a war criminal.

The specifics are that in 1988 the Iraqi Government, under the direction of Saddam Hussein, carried out a systematic campaign to destroy the Kurdish population in Iraq. Kurdish leaders estimated the death toll of this campaign at between 50,000 and 182,000.

On March 16, 1988, Iraqi aircraft bombed the city of Halabja, then in the hands of Iranian-supported Kurdish rebels. That bombing was with chemical weapons, and more than 5,000 women and children died in that attack.

Iraqi chemical weapons were used in 1982 to 1984 in the Iran-Iraq war. The Iraqis developed their proficiency in chemical weapons gradually during the war with Iran. The Iraqis initially used chemical weapons against the Iranians in 1982, and the next recorded deployment was in July 1983, when the Iraqis used mustard gas against an Iranian force. Large quantities of mustard gas were used in November 1983 and February 1984. They may also have used a nerve agent in the February 1984 attack.

With respect to the Iraq-Kuwait crisis, from January 18, 1991, to February 25, 1991, Iraq fired 39 Scud conventional warhead missiles at Israel in 18 separate attacks, killing 2 persons directly, killing 12 people indirectly, and injuring more than 200 persons.

On December 18, 1990, Amnesty International issued a report that stated Iraq tortured or executed hundreds of Kuwaitis suspected of conducting guerrilla warfare against Iraqi forces. Thousands of Kuwaitis were arrested for resisting Iraqi orders. Amnesty International also reported that some 312 premature babies died after the Iraqi troops stole their incubators.

Iraq committed deliberate and calculated crimes of environmental terrorism in the region by its willful ignition of more than 700 Kuwaiti oil wells in February 1991.

In the spring of 1993, the Government of Kuwait informed the U.S. administration that it had discovered evidence that Iraq sponsored an attempt to assassinate former President Bush and destabilize Kuwait during his April 14, 15, and 16 visit to Kuwait. The Federal Bureau of Investigation and other U.S. intelligence agencies were sent to Kuwait to conduct their own investigation and reported back to the President on June 24, 1993, that their findings confirmed the view that Iraq was behind the plot.

Iraq denied that it attempted to assassinate the President. But the proof, being overwhelming, led the United States, on June 26, 1993, to launch 23 Tomahawk missiles at Iraqi intelligence headquarters.

On June 28, 1993, President Clinton sent the Congress a letter describing the missile attack on Iraq being "consistent with the War Powers Resolution."

This is a very brief summary of the war crimes committed by Saddam Hussein and others. We have found on the international scene the conduct of Saddam Hussein to be reprehensible in many other respects. Saddam Hussein has flagrantly violated the U.N. resolutions, carrying the world to the brink of conflict and then backing down at the last minute. It would be a very salutary matter to have Saddam Hussein indicted and tried as a war criminal. It is obvious that taking Saddam Hussein into custody is a very complex matter and perhaps impossible without an enormous military force. By 20/20 hindsight, Saddam Hussein should have been taken into custody in the 1991 Persian Gulf war, but that is 20/20 hindsight.

There have been a number of calls to have Saddam Hussein toppled. It is not beyond the realm of possibility that insurgent forces within Iraq could lead a revolution. The United States could lend the Voice of America to those efforts. The United States could, consistent with international practices, support those who would move against Saddam Hussein, and in the context where action is contemplated against Saddam Hussein, a resolution for the trial of Saddam Hussein as a war criminal, the indictment itself, the trial, even if in absentia, could give the United States a high moral ground and warrant our action in toppling Saddam Hussein.

I am joined at this time by my distinguished colleague, Senator DORGAN, who is a cosponsor of the resolution. I yield the floor to Senator DORGAN.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from North Dakota.

Mr. DORGAN. Mr. President, first, I compliment Senator SPECTER from Pennsylvania, since he is the original author of this resolution on an international criminal tribunal for Iraq. I very much appreciate his leadership, and I know the Senate appreciates that leadership as well.

This is the right subject. It is something the Senate needs to be discussing. I hope very much that tomorrow, when we vote on this resolution, the Senate will overwhelmingly approve it.

Recently, in the country of Iraq, a state-controlled newspaper proposed that Saddam Hussein be given the Nobel Peace Prize. I doubt whether many Americans would believe that Saddam Hussein would qualify for the Nobel Peace Prize. The only ceremony I believe Saddam Hussein ought to attend in the near future is a war crimes trial. And I expect, in the future, if

there were a war crimes trial to be held—and I hope this legislation will be the catalyst to make that happen—I expect in the future no one will again suggest a Nobel Peace Prize for a convicted war criminal.

Why do we say there should be an international tribunal to try Saddam Hussein and other leaders of Iraq for war crimes?

First of all, there is precedent for it, as Senator SPECTER indicated. In Nuremberg, at the end of World War II, over 200 Nazi leaders were tried between 1945 and 1949. Thirty-seven of them were sentenced to death, 23 to life in prison, and 101 to shorter prison terms.

There is an international tribunal for Rwanda at work right now. Three trials are underway. Thirty-one suspects have been indicted, and nearly all of them are in custody.

The international tribunal for the former Yugoslavia has indicted 79 suspects, of whom 24 are now in custody.

I believe that an international tribunal to try Saddam Hussein and other Iraqi leaders for war crimes should follow on these models. A tribunal for Iraq should be constituted by the United Nations, and war crimes trials should begin.

Iraq's crimes against peace include two wars of aggression: the Iran-Iraq war in which Iraq invaded Iran, and the Persian Gulf war, in which Iraq invaded its southern neighbor, Kuwait.

War crimes committed by Iraqi forces against civilians in Kuwait include extrajudicial and political killings, acts of torture, rapes of civilian women, pillage and looting—all crimes under the Fourth Geneva Convention, which requires wartime protections for civilians.

Iraqi troops committed crimes against third country nationals. They prevented Western and Arab refugees from leaving Iraq and Kuwait. They carried out arbitrary arrests and detentions. Iraq even resorted to hostage taking and use of hostages as human shields.

The Iraqi government committed crimes against prisoners of war. It used physical and mental torture to coerce POWs to reveal information. It used prisoners of war as human shields, and it displayed injured prisoners of war on Iraqi TV.

Iraq committed crimes against diplomats and embassies: it abducted people with diplomatic immunity, and it seized and blockaded embassies in Kuwait.

So Mr. President, the list of war crimes during the Persian Gulf War is a lengthy one. However, Iraq's criminal record goes back further than that.

Human Rights Watch has written extensively about the Anfal campaign against the Kurds living in northern Iraq. This campaign was a policy of systematic and deliberate murder. Human Rights Watch concluded that the Iraqi government killed at least 50,000 and perhaps as many as 100,000 Kurds.

The Anfal campaign involved the destruction of thousands of Kurdish villages and the murder, disappearance, and extermination by chemical weapons or the forcible resettlement of hundreds of thousands of Kurds. This was ethnic cleansing before the term was invented.

Even worse, the Anfal campaign included chemical weapons. A U.S. Government white paper says there were "numerous Iraqi chemical attacks against civilian villages in 1987 and 1988." The white paper lists 10 instances of Iraqi chemical attacks and says that Iraq "delivered. . . Mustard 5 agent and the nerve gases Sarin and Tabun in aerial bombs, spray dispensers, 120-mm rockets and several types of artillery."

Iraq possesses a chemical weapons program and a biological weapons program. Its chemical stockpile contained 40,000 chemical weapons munitions; 480,000 liters of chemical weapons agents; and 8 delivery systems.

Iraq's biological weapons arsenal included 8,500 liters of anthrax; 19,000 liters of botulinum toxin; and 2,200 liters of alfatoxin. This program was in violation of the Biological Weapons Convention, to which Iraq is a party.

And the list of Iraqi crimes and treaty violations goes on at some length. I ask unanimous consent to have the list printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. DORGAN. Mr. President, let us look at the behavior and the actions of Saddam Hussein and the regime in Iraq through the horror of what happened to a young boy, now dead, named Dejar, 5 years of age. In reading Dejar's story, I am relying on the wonderful reporting work done by Middle East Watch and the Physicians for Human Rights. Human Rights Watch has published this work in a book called, "The Anfal Campaign in Iraqi Kurdistan."

This book tells a terrible story about happened to Dejar.

On August 25, 1988, at dawn, this 5-year-old boy, with his father, a farmer, was awake inside their house in Birjinni. Hassan, the boy's father, lived there with his father and mother, his four brothers, his wife and four children, of whom Dejar was one.

Hassan, Dejar's father, was preparing to go to the orchards that morning. Then the bombs began to drop. The father said that the explosions that morning were not as strong as other bombs that had been dropped on their village by the Government of Iraq.

The surviving villagers described the smoke that morning rising from the bombs as "white, black and then yellow" smoke. Those columns of smoke from the bombs rose 50 to 60 meters in the air.

The smell of gas was "pleasant, at first" that morning. "It smelled of apples," they said, smelled of "something sweet." Several men said it smelled

like "pesticides in the fields." Shortly after that, they said "it became bitter. It affected our eyes, and our mouths, and our skin. All of a sudden," they said, "it was hard to breathe. Your breath wouldn't come. You couldn't breathe" at all.

The people of that village—and this is one study of one village, one attack on one morning by the Iraqi Government—did not know what to do when those bombs fell. They began to understand these were not usual bombs, these were chemical bombs.

As the smoke from the chemical bombs settled into the lower land, they said "it drifted down the valley toward the fields and the orchards." The father said, "I took my family, three of my children and my wife, and we ran to higher ground. We went the other direction from the smoke." There was complete panic; people ran in all directions. Families were separated, children lost from their parents. Everyone "was trying to save themselves, each one himself, even the mothers of children, because they couldn't breathe."

But Hassan's father and other family members at first stayed in the house because "they didn't know what the smoke could do." When they realized they were under gas attack, many of them ran down from the village to an orchard in a ravine. The smoke followed them into the ravine.

Hassan and his wife realized that one of their four children was also separated from them, and that was the 5-year-old boy I mentioned, Dejar. He was missing. He had gone with his grandfather to the orchard in the ravine and stayed there.

When some of the smoke lifted, after about a half an hour, Hassan and other survivors thought it was safe to come to the village. He found his mother and sister "lying on the ground, overcome by the gas." Symptoms: Hands, legs paralyzed, trembling, shaking. They tried to swallow water and couldn't. Their throats were burning. They were vomiting. Hassan later said, "My mother whispered, 'I think there's a hole in my head.'" Within several hours after exposure to the smoke, both mother and sister went blind, according to family members.

Hassan went down from the village and found his father and his son Dejar lying dead outside the orchard. There were no marks on them. "It was like they were sleeping," he said, "except their faces were blue." Then he found his two brothers dead in a small cave where they had taken refuge.

Mr. President, these are just a few paragraphs in a book describing the experience of one village under attack with chemical weapons by the country of Iraq.

Name another leader on the face of this Earth who has decided, not once but on numerous occasions, to use weapons of mass destruction against his own people and his neighbors. Name one other country. Only Iraq, only Saddam Hussein.

The Senator from Pennsylvania and I and others say it is time, long past the time, when there should be constituted an international tribunal to try these people, who have committed such atrocities, for war crimes. That tribunal will give a much longer presentation of evidence than the Senator from Pennsylvania or I will give today. Maybe then, maybe all of the world will see the systematic presentation of evidence, and hear of the unspeakable horrors that have been visited upon innocent men, women and children. Not just tens of thousands, but hundreds of thousands of people, who have disappeared and been killed and murdered. Some of them were killed by poison gas.

Maybe then the rest of the people in the world will understand this is not just a foreign leader, this is not just the leader of Iraq, this is a convicted war criminal.

A war crimes trial should have happened after the Gulf War. Whether Saddam Hussein is tried in absentia or not is irrelevant to me. The fact that he is tried is very important. We must, as a world, come together and judge actions of this type.

The unspeakable horrors that have been visited upon so many innocent people by this government must not go unnoticed and must not remain unprosecuted. We can, we should, and we will convene an international tribunal. We have done that in the past, and there are two such tribunals ongoing right now.

With the leadership of the Senator from Pennsylvania, we can and will and should convene that international tribunal for Iraq and do the right thing.

This resolution may be controversial for some, who say that the foggy world of diplomacy does not accommodate this kind of decisive and important action. I think the foggy world of diplomacy demands this kind of action.

When diplomatic initiatives occur in the Persian Gulf in the future, it ought not occur between respectable diplomats on one side and Saddam Hussein as a national leader on the other side. It ought to be Saddam Hussein, a convicted war criminal, on the other side, a war criminal convicted by evidence all the world will have seen. That is the purpose of this resolution.

Mr. President, I yield the floor.

#### EXHIBIT 1

#### CRIMES OF SADDAM HUSSEIN AND IRAQI LEADERS

The first category of crimes is crimes against peace. It has been said that to wage a war of aggression is the worst of all war crimes, because from it other war crimes flow. In fact, the Nuremberg and Tokyo war crimes tribunals both said that to unleash a war of aggression "is the supreme international crime." In international legal terms, a war of aggression is a crime against peace, and the leaders of a government that wages an aggressive war are culpable for their country's aggression.

The regime of Saddam Hussein is guilty of perpetrating this crime not once but twice.

Often overlooked is the fact that Saddam Hussein invaded Iran in September of 1980, thinking that a weakened and isolated Iran would not be able to fend off what was essentially an Iraqi land grab. The Iran-Iraq War lasted until a cease-fire in 1988. It is estimated that the war left 1 million dead and 1.7 million wounded. Iraq repeatedly resorted to using chemical weapons during this war.

Iraq's second war of aggression was the attempted annexation of Kuwait, which began with an unprovoked Iraqi invasion on August 2, 1990. This was an attempt by Iraq to annex Kuwait, to obliterate Kuwait as an independent state, which is a violation of Chapter I, Article 2, sections (1) and (4) of the United Nations Charter, of which Iraq is a signatory. In addition, it was a violation of Article 25 of the UN Charter for Iraq to refuse to accept and carry out 12 specific UN resolutions ordering Iraq to withdraw from Kuwait and to permit the restoration of Kuwait's lawful government.

During their illegal occupation of Kuwait, Iraqi forces occupying Kuwait committed many war crimes. The scope of Iraq's guilt is suggested by a Defense Department report that states that Iraq's war crimes included:

Taking hostages, torture and murder of civilians, looting civilian property, looting cultural property, indiscriminate attacks on noncombatants by the launching of Scud missiles against cities rather than specific military objectives, illegal employment of sea mines, mistreatment of prisoners of war, and unnecessary destruction of property, as evidenced by the release of oil into the Persian Gulf and the destruction of hundreds of Kuwaiti oil wells.

Iraq's crimes against the people of Kuwait included extrajudicial and political killings of hundreds of Kuwaiti civilians, rapes of civilian women, collective punishment of neighborhoods where resistance was strong, and pillage and looting of nearly everything of value.

According to an article in the *Denver Journal of International Law and Policy*, the acts of torture committed by Iraqi troops in Kuwait included:

Beatings, the use of fists, belts, hot metal rods and hot skewers, kicking, burning of the skin with fire and acid, sexual torture, mock execution, electric shocks, shootings, knife slashes, exposure to extreme heat and cold for long periods of time, pulling out fingernails and forcing victims to watch relatives being tortured.

All of these actions against the population of Kuwait were war crimes under relevant international law, especially the Fourth Geneva Convention, which describes obligations to protect civilians in time of war. Both Iraq and Kuwait are parties to this convention.

International law also protects citizens of other countries in Iraq or Kuwait. However, despite being a party to the Fourth Geneva Convention and to the International Covenant on Civil and Political Rights, Iraq committed many crimes against third country nationals. These crimes included preventing Western and Arab refugees from leaving Iraq and Kuwait, subjecting third country nationals to arbitrary arrest and detention, taking some of them hostage and using them as human shields, and murdering Egyptians, Iranians, Pakistanis and others in Kuwait.

Iraq is also a party to the Geneva Convention Relative to the Treatment of Prisoners of War, which requires good treatment and protection of POWs. However, during the occupation of Kuwait, Iraqi forces committed war crimes against POWs, including physical and mental torture to coerce POWs to reveal information, using POWs as human shields, and displaying injured POWs on Iraqi television.

One of the oldest obligations in international law requires that countries immunity to diplomats and respect the integrity of embassies and their archives and documents. Iraq and Kuwait are parties to 2 conventions on this subject, the Vienna Conventions on Diplomatic and Consular Relations. Nevertheless, Iraqi troops violated these conventions by denying diplomatic immunity to those diplomats whose nations refused to shut down their embassies (as demanded by Iraq), seizing and blockading embassies in Kuwait, and abducting people with diplomatic immunity.

During the Persian Gulf War, Iraq launched surface-to-surface missiles at populated cities in Israel and Saudi Arabia. These were among Iraq's more blatant and dramatic crimes. Who can forget the TV footage of Scud missile fragments falling on Tel Aviv? In the case of Israel, these were attacks upon a neutral state. In the case of Saudi Arabia, the attacks served no military purpose. In both cases, missile bombardments were willful and wanton attacks on civilian populations, in violation of the 1907 Hague Convention respecting the Laws and Customs of War on Land.

During and after its occupation of Kuwait, Iraq took extreme steps to destroy Kuwaiti property—steps that were well beyond what military necessity required. Iraq released millions of gallons of crude oil into the Persian Gulf to gain military advantage, at great environmental cost. Retreating Iraqi forces also set fire to over 700 Kuwaiti oil wells. International law has a convention against such environmental crimes: the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques. Iraq signed this Convention on August 15, 1977 and violated it less than 15 years later.

Perhaps Iraq's most fundamental war crime was its refusal to honor its Charter commitment, as a member of the United Nations, to "accept and carry out the decisions of the Security Council." The Security Council adopted 12 resolutions after Iraq's invasion of Kuwait. They called on Iraq to cease its war crimes and to withdraw from Kuwait. We all know that Iraq refused to comply, and had to be routed from Kuwait by force.

#### GENOCIDE AND CRIMES AGAINST HUMANITY

The violations of international law in Kuwait were systematic and widespread. But the international tribunal should not confine itself simply to the Persian Gulf War—to do so would be to ignore the larger pattern of Saddam Hussein's crimes, of which the invasion of Kuwait was only a part. Criminals, after all, have records—and the criminal record of Saddam Hussein is a long one. It goes back to before the Persian Gulf War, and it continued after the war.

The most enormous crime that Iraqi leaders have committed was the genocidal Anfal campaign against Kurds in rural areas of northern Iraq. Relying on over 300 interviews, field work in Iraqi Kurdistan, and forensic material, and using a captured cache of official Iraqi documents, Human Rights Watch has concluded that the Anfal campaign against Iraqi Kurds involved the "systematic, deliberate murder of at least 50,000, and possibly as many as 100,000, Kurds." The campaign involved the destruction of thousands of Kurdish villages, and the murder, disappearance, extermination by chemical weapons, or forcible resettlement of hundreds of thousands of Kurds.

A Human Rights Watch report describes how this campaign of genocide worked, village by village. "A village was often first shelled or bombed, sometimes with chemical weapons, evidently of the type used in the Iran-Iraq war. The inhabitants, attempting

to flee, were trapped by troops enveloping the village." Iraqi security forces would cull out the men and the boys, who disappeared. Eyewitness reports suggest that they were taken south by truck, killed, and buried in mass graves.

These acts against its own Kurdish population make the Iraqi government guilty of genocide, as that crime is defined by the Genocide Convention, to which Iraq became a party in 1959. The Convention prohibits the mass murder of people based on their ethnicity. It is clear from Iraq's own documents that on a mass scale, the Government of Iraq attempted to eliminate Kurds simply because they were Kurds. This is the definition of genocide.

In its campaign against its own Kurdish population, the Iraqi government used chemical weapons left over from its wartime stockpile. A U.S. government white paper on Iraqi weapons of mass destruction says that there were "numerous Iraqi chemical attacks against civilian villages in the 1987 and 1988 time frames . . . in areas close to both the Iranian and Turkish borders." That same white paper also lists 10 instances of Iraqi chemical attacks against Iranian troops or Kurdish civilians. To quote the report:

"Iraq had an advanced chemical warfare capability that it used extensively against Iran and against its own Kurdish population during the 1980s. Iraqi forces delivered chemical agents (including Mustard 5 agent and the nerve agents Sarin and Tabun 6) in aerial bombs, aerial spray dispensers, 120-mm rockets, and several types of artillery both for tactical military purposes and to terrorize rebellious segments of the population."

#### IRAQI VIOLATIONS OF TREATIES AND UN RESOLUTIONS

These chemical weapons attacks, both in the war against Iran and internally against the people of Kurdistan, raise the issue of Iraq's entire program to develop weapons of mass destruction—chemical, biological and nuclear weapons—and the means to deliver them. These weapons programs were not war crimes that an international tribunal could prosecute, but they are further evidence by which to judge Saddam Hussein. Most importantly, they show a continuing pattern of treaty violations and disregard for Security Council resolutions.

For example, Iraq's use of chemical weapons against Iranian troops was a violation of the Geneva Protocol of 1925, to which Iraq is a party. While most of Iraq's chemical attacks were in the 1980s, it is only since the Persian Gulf War that the full extent of Iraq's chemical arsenal has become apparent. UN inspectors have supervised the destruction of 40,000 chemical weapons munitions (of which 12,000 were filled), 480,000 liters of chemical weapons agents, and 8 types of chemical weapons delivery systems, including ballistic missile warheads.

Despite Iraq's commitment to the UN to destroy its chemical weapons and production facilities, Iraq is poised to resume its production. According to the white paper, "UNSCOM believes Iraq continues to conceal a small stockpile of chemical weapons agents, munitions and production equipment." If this is the case, it is a direct violation of the United Nations cease-fire resolutions, which, under the UN Charter, Iraq has an obligation to obey. Ominously, the white paper notes that "Since the Gulf War, Iraq has rebuilt two facilities it once used to produce chemical agents and has the capability to shift smaller civilian facilities to chemical weapons production."

Iraq's record is even worse with respect to biological weapons. Despite Iraq's commitment to reveal all of its weapons of mass destruction programs, and despite the demands

of the UN that it do so, it was only after the defection in August 1995 of Saddam Hussein's son-in-law Husayn Kamil, the former head of Iraqi military industries, that Iraq owned up to its biological weapons program.

According to the Administration white paper, Iraq's biological weapons activities included producing 8,500 liters of anthrax, 19,000 liters of botulinum toxin and 2,200 liters of alfatoxin. Iraq also prepared biological weapons munitions, including 25 Scud missile warheads (5 anthrax, 16 botulinum toxin, 4 alfatoxin), 157 aerial bombs, and aerial dispensers. Iraq researched other ways of using biological weapons, including 155mm artillery shells, artillery rockets, a MiG-21 drone, and aerosol generators.

The Iraqi biological weapons program was a clear violation of the Biological Weapons Convention, which Iraq signed, incredibly enough, in 1991. Is there any greater indication of Saddam Hussein's criminality than his legal commitment in that year to destroy his stockpile of biological weapons—a pledge that he clearly never intended to fulfill?

Lastly, Iraq has confessed to a nuclear weapons development program, but again only after Husayn Kamil's defection in 1995. According to the white paper, "Iraq has admitted experimenting with 7 uranium enrichment techniques. . . . Iraq planned to build a nuclear device in 1991."

Since the Gulf War, Iraq has violated the safeguards and inspection agreement that it signed with the International Atomic Energy Agency, which is attempting to monitor Iraq's nuclear program. The United Nations Security Council, in several resolutions, has denounced Iraq's failure to comply with the cease-fire resolution (#687) and with Iraq's obligations under international law, including treaties—the Nonproliferation Treaty, the Geneva Protocol of 1925 and the Biological Weapons Convention. The Security Council has concluded that:

Iraq is "in flagrant violation of [the cease-fire] resolution";

Iraq's weapons development activities are "material breaches of its obligations" under the cease-fire resolution; and

Iraq's failure to comply with the safeguards agreement "constitutes a breach of its international obligations" under the Nonproliferation Treaty.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. How much time remains under the agreement?

The PRESIDING OFFICER. The Senator from Pennsylvania holds 49 minutes 7 seconds; the other side holds 47 minutes 37 seconds.

Mr. SPECTER. Mr. President, I urge any of my colleagues who wish to speak on this resolution to come forth at this time.

In the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1933

Mr. MURKOWSKI. Mr. President, on behalf of the leader and on behalf of Senator SPECTER, I call up amendment

numbered 1933 to the pending resolution.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for Mr. SPECTER and Mr. DORGAN, proposes an amendment numbered 1933.

Mr. MURKOWSKI. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the resolving clause and insert the following:

That the President should—

(1) call for the creation of a commission under the auspices of the United Nations to establish an international record of the criminal culpability of Saddam Hussein and other Iraqi officials;

(2) call for the United Nations to form an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and any other Iraqi officials who may be found responsible for crimes against humanity, genocide, and other violations of international humanitarian law; and

(3) upon the creation of a commission and international criminal tribunal, take steps necessary, including the reprogramming of funds, to ensure United States support for efforts to bring Saddam Hussein and other Iraqi officials to justice.

Mr. MURKOWSKI. I ask unanimous consent the amendment be considered as read and agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1933) was agreed to.

Mr. MURKOWSKI. I rise in support of Senator SPECTER's resolution which calls for the establishment of a war crimes tribunal to bring Saddam Hussein to justice. I agree that it is justifiable that Saddam Hussein be prosecuted as an international war criminal, thereby removing him from power. Such an action would eliminate the problem facing the United States and a good part of the free world today.

Certainly with his systematic action to destroy the population of the civilian Kurds in Iraq through the use of chemical weapons in 1988, his war of aggression against Kuwait in 1990, his missile attacks on Israel in 1991, and his involvement in the attempt to assassinate former President Bush in 1993, there is no doubt in my mind that there is sufficient evidence to pursue him as a war criminal.

Mr. President, I think this resolution is only one of the policies that this administration should pursue to shut down Iraq's terrorist regime. I propose one more, one that I raised earlier in this body this week. I think we must go back to the original purpose of the economic sanctions against Iraq and shut down Saddam Hussein's ability to fund his programs for weapons of mass destruction.

In other words, Mr. President, cut off his cash flow, which comes from illegal

oil sales. Mr. President, this is the only way we can bring Saddam to his knees. We must effectively cut off the flow of oil from Iraq.

I would like to share a few facts that my colleagues may not be aware of but that are critical to the issue of how Saddam Hussein maintains his current grip on power.

Revenue from oil exports have historically represented nearly all of Iraq's foreign exchange earnings. In the year preceding Operation Desert Storm, Iraq's export earnings totaled \$10.4 billion, with 95 percent of that attributed to petroleum exports. So make no mistake about where the revenue comes from. It comes from his oil. Iraq's imports during the same year, 1990, totaled only \$6.6 billion.

U.N. Security Council Resolution 687, passed in 1991 at the end of the Gulf war, requires that international economic sanctions, including an embargo on the sale of oil from Iraq, remain in place until—I emphasize "until"—Iraq discloses and destroys its weapons of mass destruction programs and capabilities and undertakes unconditionally never to resume such activities.

Well, where are we? The teeth in Resolution 687 have effectively been removed with the expansion of the so-called oil-for-food exception to the sanctions. The first loosening of the sanctions occurred in 1995 when Security Council Resolution 986 allowed Iraq to export \$1 billion in oil every 90 days, which is \$4 billion over a year.

Most recently, during the period when Saddam was again violating Security Council resolutions by refusing to allow international inspectors to conduct their work, the United Nations voted to more than double the amount of oil Iraq can export next year.

On February 20, the U.N. Security Council, with the Clinton administration's support, adopted Resolution 1153, which will allow Iraq to export \$10.52 billion in oil sales per year. That is \$5.256 billion every 6 months. In other words, Iraq is now authorized to export nearly as much oil, in today's dollars, as it did before it invaded Kuwait.

So what are we doing, Mr. President? We are obviously increasing Saddam Hussein's ability to generate a greater cash flow to fund his purposes, that are certainly suspect, to say the least.

The question is, Will the United States force Iraq to wait to rebuild its oil production capability until it meets the conditions imposed at the end of the Gulf war? We clearly have that answer: It is quite the contrary. In fact, paragraph 12 of Resolution 1153 directs the Secretary General to establish a group of experts to determine whether Iraq has the production and transportation capacity to export the full amount allowed. Well, the resolution goes on to say that the Security Council "expresses its readiness" to authorize "the export of necessary equipment to enable Iraq to increase the export of petroleum or petroleum products."

Clearly, we are giving him the green light to increase his production capabilities.

Nowhere does the resolution mention the potential arms control problems presented by allowing Iraq to resume the import of petroleum equipment, some of which is dual-use and some of which can easily be disguised.

We witnessed his efforts in the early 1980s to disguise shipments into Iraq that, at that time, were explained to the United States as "parts for his refineries," when in fact they turned out to be parts for his huge cannon or pipe gun.

Even as President Clinton vowed to "keep the sanctions on" Iraq until the regime lives up to most of its commitments, we are obviously creating a giant loophole for Iraq's most important commodity—and that is oil—to find its way out into the markets of the world.

Mr. President, I recommend to my colleagues an excellent analysis of the problems with the expansion of the oil program by Patrick Clawson, which came out of the Washington Institute for Near East Policy, entitled "Oil for Food Or the End of Sanctions." I ask unanimous consent that the text of this article be printed in the *RECORD* at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. MURKOWSKI. Further, it should be noted that using this program to feed his people and to provide medicine frees up other resources that can be used to finance his factories of death.

Moreover, the increase in illegal sales of petroleum products coincided with implementation of the oil-for-food program in 1995. Part of this oil is moving via truck across the Turkey-Iraq border. A more significant amount is moving by sea vessel through the Persian Gulf. Exports of contraband Iraqi oil through the Gulf have jumped seven-fold in the past year, from \$10 million in diesel fuel sales in 1996 to \$75 million in 1997. Furthermore, Iraq has been steadily increasing exports of oil to Jordan, from 60,000 barrels per day at the end of Operation Desert Storm to an expected 96,000 barrels per day this year. An ABC News report in December of 1997 cited the Center for Global Energy Studies' estimate that Saddam Hussein was generating \$300 million to \$400 million a year from contraband oil sales.

Mr. President, I have absolutely no doubt that allowing Saddam to increase his oil production under the new resolution means that contraband oil exports will increase proportionately. It is this illegal flow of oil that is the lifeline that keeps his Republican Guards well fed and his weapons of mass destruction program on track.

Finally, Mr. President, Resolution 1153 does more than address humanitarian imports; it finances almost the full range of imports that Iraq would make were it not under the sanctions.

The resolution provides for infrastructure improvements, such as sewers and electricity—all activities that would normally be undertaken by the Iraqi Government.

I have a few theories about the motivation of the interested parties. From the standpoint of the Clinton administration, this may have been viewed as a counterbalance to the call for military action. I think it was certainly counterproductive. But in any event, that was their decision.

But for the other members of the Security Council, particularly those who oppose the use of military force—Russia, France, and China—the motivation is clear. The motivation is economic. As a recent Wall Street Journal article observed:

For Kremlin envoys, more than \$10 billion in contracts and debt is at stake in bringing an end to the United Nations economic sanctions against one of Russia's biggest trading partners.

Indeed, even under the U.N. embargo, Russian oil companies have been the prime beneficiaries of the oil-for-food program. It is reported that Russia signed and delivered 36 contracts to supply pharmaceuticals worth \$100 million to Iraqi hospitals under the U.N. deal.

Russia's heavy industry would also benefit by supplying oil equipment, such as platforms and rigs, to Iraq, as would Russian arms makers. Of course, some Russian companies have not waited for the end of the sanctions. Iraq obtained several Russian gyroscopes used for aiming Scuds back in 1995. We know that. And just last week, U.N. inspectors accused Russia of selling Iraq huge steel drums that can be used to produce biological warfare agents.

I should note that both China and France have similar conflicts of interest in that their close economic ties to Iraq and their desire for Iraqi oil have made them hard set against any military action.

With the United Nations having now negotiated a deal with Saddam Hussein that appears, in the short term at least, to have sidetracked military options, and with members of the Security Council actively working to let Saddam off the hook, what can the United States do unilaterally to advance our national security interests?

I am pleased to announce that Senator HELMS and the Foreign Relations Committee and, in my capacity as chairman of the Energy and Natural Resources Committee, will be holding hearings on this matter in the very near future. Our Committees will look specifically at enforcement and monitoring of the oil-for-food program, the flow of contraband oil out of Iraq, the effect of the lifting of the sanctions on Iraq by the United Nations, and the beneficiaries of that change of policy.

I believe Congress should instruct the administration to pursue means to tighten the oil-for-food monitoring program so that we are assured that we have the accountability—and the United Nations has never been particu-

larly adept at accountability—and to develop measures that will prevent the illegal leakage of oil into the world marketplace.

I introduced a resolution 2 weeks ago—Senate Concurrent Resolution No. 76—which would send that message to this administration. I plan to amend the resolution to reflect what is learned in the congressional hearings, and will ask the Senate to take action on it in the near future.

My resolution will call on the administration to consider a few options. The first would be expanding the Multinational Interdiction Force, MIF, in the Gulf of Arabia and ensuring that the rules of engagement allow MIF forces to effectively interdict vessels containing contraband oil.

Second, using all diplomatic means available to ensure that other countries in the region are not aiding illegal oil exports in violation of the U.N. resolution.

Third, inspecting all vessels leaving the Iraqi Port of Basra to ensure that the economic sanctions are not being circumvented. This type of blockade is justified under existing U.N. resolutions implementing economic sanctions. We maintain in the skies, in effect, what amounts to a blockade, and we certainly have the right to enforce the movement of illegal oil that is coming out of Iraq.

And, fourth, entering into negotiations with oil-producing nations to encourage them to make subsidized sales of oil to Jordan so that Iraqi-Jordanian oil-flows can simply be shut off.

Mr. President, oil is the key to controlling the future of the military capacity of Iraq. We have to control it if we are ever going to control Saddam Hussein.

This concludes my remarks. Mr. President, I thank the Chair. I thank the Senator from Pennsylvania for yielding me time to talk on this Iraqi issue.

#### EXHIBIT 1

[From Policywatch, Feb. 26, 1998]

'OIL FOR FOOD' OR THE END OF SANCTIONS?

(By Patrick Clawson)

While Kofi Annan's diplomacy has received headlines, another Security Council action last week—approval of United Nations Security Council Resolution (UNSCR) 1153 on February 20—was subject to remarkably little scrutiny. This resolution, designed to expand the existing oil-for-food program with Iraq, was intended to blunt criticism from Arab and others as the way was prepared for a military option. However, in vastly expanding the amount of oil Iraq can export and loosening the restrictions on what it can import, this U.S.-backed measure went a long way towards undermining the existing sanctions regime and removing much of the incentive for Iraq to fulfill its arms inspection obligations.

No Effective Limits on Iraqi Oil Exports: UNSCR 1153 authorizes oil exports of \$10.66 billion per year (\$5.256 billion per 180 days). By contrast, Iraqi oil exports in 1981-89 averaged \$9.54 billion per annum; adjusting for inflation, that would be the equivalent of about \$11.5 billion now. In other words, Iraq is now authorized to export nearly as much



oil as it did before it invaded Kuwait. Indeed, the Iraqi government actually complained to the UN that the oil export level authorized by UNSCR 1153 is too high. In his letter, Tariq Aziz said Iraq's operational capacity was limited to \$8 billion a year in exports and that any higher target was "unrealistic and unfeasible" (Security Council Press Release 6478). The UN-authorized limit translates into 2.25 million barrels per day (MBD), if the price averages \$13 per barrel. In addition, Iraq produces .4 mbd for domestic use and .2 mbd for export to Jordan and smuggling out the Gulf or to Turkey. That means Iraq would have to produce 2.85 mbd to make use of the full UN quota. In fact, it is unlikely that Iraq could produce more than 2.5 mbd today and it may take Iraq until the end of 1999 before it could reach a production level that takes full advantage of the UN-authorized exports. In short, Iraq faces no effective limit on its oil exports, because it is now permitted to export all the oil it is now capable of pumping.

To assist Iraq in expanding its oil production, the Security Council (in UNSCR 1153 para. 12) "expresses its readiness [to] authoriz[e] the export of the necessary equipment to enable to increase the export of petroleum" if the Secretary-General reports this is necessary after consulting experts. Were Iraq to resume large-scale imports of oil-field equipment, that would pose serious arms control problems. Not only is some equipment dual-use (e.g., heavy trucks), but it is important to remember that Iraq disguised its "super gun" barrel as an oil pipeline, convincingly enough to mislead some of the "pipe" producers.

Imports at Half of Pre-War Level: UNSCR 1153 does more than provide humanitarian imports: it finances almost the full range of imports that Iraq would make were it not under sanctions. (One remaining exception are consumer durables, like automobiles.) In fact, UNSCR 1153 provides imports at about half the pre-war level, putting the lie to the idea that Saddam is stuck in an ever-constricting "box."

Here, the numbers are instructive. Of the \$10.66 billion a year in UN-authorized exports, \$3.20 billion (30 percent) will be withheld as compensation payment for war losses, to be distributed by the Geneva-based UN committee handling such claims. After deducting for UN operations in Iraq, about \$7.1 billion will remain for imports (\$3.5 billion each 180 days). Iraq will also have about \$5 billion a year from its non-1153 oil sales, mostly to Jordan. In total, then, Iraq will have about \$7.6 billion a year for imports. By contrast, Iraqi non-arms imports in 1981-89 averaged \$12.1 billion per year; adjusting for inflation, that would be about \$14.5 billion per year now. In other words, Iraq will be authorized to import goods at about half the pre-war level.

Another wrinkle in UNSCR 1153 is that it allocates large sums to items other than food, the main focus of the original oil-for-food resolution (UNSCR 986). Of the initial 180-day imports of \$3.5 billion, the plan includes \$1.1 billion for investment (non-recurring costs). That includes \$449 million for the rehabilitation of hospitals and clinics, \$305 million in water sanitation, \$143 million in agriculture, \$77 million in electricity, \$30 million in resettlement, and \$92 million in education. This is far more than humanitarian relief; it is a significant investment program. Furthermore, the large authorized imports of agricultural and sanitation chemicals, including dual-use precursors for chemical weapons, will provide Iraq many opportunities to divert part of this incoming stream. (And it will not be practical to post UN monitors at every Iraqi farm, barn or field to ensure that all the agricultural

chemicals are being used as claimed.) Another component of UNSCR is its authorization for the import of medicine and other recurrent health costs. In fact, this resolution permits Iraq to import \$117 million of such goods, an amount that exceeds the health-related imports its neighbors Iran or Turkey, each with populations three times Iraq's.

More than Sufficient Food: If the principal international concern is to alleviate malnutrition, the food imports under the original oil-for-food program were already sufficient. UNSCR 1153 will take the average Iraqi's intake to levels far beyond which the U.S. government recommends for the average American.

While the food distribution program under the original oil-for-food resolution began, the situation improved markedly after the arrival in Baghdad last September of Dennis Halliday, an Irish public administration expert. Three million tons of food has arrived in country, more than 90 percent of which has been distributed. This has amounted to regular distribution of a ration of 2,030 calories per Iraqi day from flours, rice, legumes, sugar, cooking oil, and baby milk. In addition, tea, salt, soap, and detergent are also distributed. UNSCR 1153's new distribution plan envisages increasing Iraqi rations to 2,463 calories a day. In addition, Iraq produces fruits, vegetables, and lamb—none of which are in the rations—sufficient to provide on average an extra 500 calories per day. That means the Iraqi diet will rise to an average 2,950 calories per day, a level that equals almost 95 percent of the Iraqis' pre-1990 intake of 3,100 calories per day. To put this in context, the U.S. Department of Agriculture recommends that a healthy diet for an adult American is 2,200-2,400 calories per day.

Furthermore, the money authorized for food imports is well above that needed to produce this diet. The UNSCR 1153 plan allocates \$1.4 billion for food imports for 180 days. That works out to \$129 per person per year, which is way out of line with the cost of other international relief efforts. Perhaps the UN plan is to provide Iraqis with a more tasty and varied diet. But the possibility remains that Iraqis will find ways to divert funds, for instance, by over-invoicing (claiming goods cost more than they actually do).

Humanitarian Crisis? The Iraqi government makes lurid claims about hundreds of thousands of infants dying because of the sanctions. These claims are parroted by international organizations, like UNICEF, which release reports based entirely on Iraqi-provided data. However, there is no reason to expect Iraqi data about malnutrition to be any more accurate than Iraqi data about weapons of mass destruction. Yet even if one were to take Iraqi data at face value, without the international inspection of Saddam's humanitarian situation that Baghdad prevents, then some Iraqi statistics suggest there may not be as acute a humanitarian problem as Iraq contends. Iraq's 1997 census showed a population increase of 3.5 million since 1990's 18.5 million. As even the official newspaper *Al-Jumhuriyah* admitted (October 18, 1997), "This is an unusual increase for a people who have been exposed to embargo, starvation, and disease and who have consistently lost 20,000 persons per month."

To have the increase shown in the census (500,000 a year) and allowing for deaths, there must have been each year 700,000 infants who survived. Iraqi pre-war data on births show that 700,000 births a year is about what could have been expected in Iraq in the mid-1990s, given the past pattern. That does not leave room for the claimed 100,000-plus deaths a year of infants due to sanctions. In other words, unless there was some unusual increase in the birth rate, the Iraqi census

data are consistent with a normal level of births and a normal level of infant mortality and inconsistent with Iraq's claim of a high infant mortality rate.

Implications: UNSCR 1153 is a big victory for Saddam. He has come a long way towards his goal of the lifting of sanctions. He is now authorized to export oil effectively without limit and to import nearly all types of civilian goods at about half the pre-war level, which is about all his war-ravaged country could absorb in any case. This effectively eviscerates one of the main incentives for Iraqi cooperation with UNSCOM—i.e., the prospect that sanctions would be lifted once UNSCOM certifies Iraqi compliance on weapons of mass destruction, as outlined in UNSCR 678 paragraph 22. By going much of the way towards lifting sanctions, UNSCR 1153 gives Saddam less reason to cooperate with UNSCOM than ever before.

Mr. HELMS. Mr. President, I confess a measure of regret that it has taken the Congress this long to state the obvious in a clear and formal way that Saddam Hussein is a murderer, and should be brought to justice. I recall the occasion almost 10 years ago, when I stood on this Senate floor and condemned Saddam Hussein's crimes against his own people. Senator Pell, then the distinguished chairman of the Foreign Relations Committee, and I joined in offering amendment after amendment on various bills then being considered by the Senate. Senator Pell and I were dismayed that there seemed so little interest in calling the world's attention to the sadistic tyranny of Saddam Hussein.

Mr. President, anyone who believes that Saddam is a man who "can be trusted", a man with whom we can "do business" and have a "human relationship" (I am quoting the Secretary General of the United Nations on these points), needs to be reminded not only of the 148 lives lost in combat in Desert Storm or of the 37 lives lost on the U.S.S. Stark, but also of those pitiful women and children of Iraqi Kurdistan who were deliberately burned beyond recognition by Saddam's chemical weapons. I remind them of the Anfal campaign and the city of Halabja, and the hideous deaths of tens of thousands of innocent people.

Let's face it, Mr. President, Saddam Hussein is the world's worst and most treacherous nightmare. He is a brutal and totally unremorseful killer with weapons of mass destruction and he is willing to use them at the slightest provocation.

Mr. President, we must not be deceived. Should Saddam Hussein escape the yoke of sanctions, he once again will begin to amass weapons. He will be a threat to the United States and the American people, and to our allies in the Middle East, and the people of Iraq. The Clinton Administration pretense that all that is needed are sanctions in order to face up to Saddam's threat is dangerous nonsense. Sanctions deal with weapons—but the question is, who is going to deal with Saddam—and how?

It is past time to set in motion a process of gathering evidence, forming

a tribunal, indicting and prosecuting Saddam Hussein. He is a war criminal. He is a murderer. Let there be an end to the pretense that installing cameras and finding biological weapons toxins will end our problems with Iraq.

We need to get the weapons, yes. We also need, one way or another, to get Saddam.

# VISIT TO THE SENATE BY THE PRIME MINISTER OF THAILAND, CHUAN LEEKPAI

## RECESS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes for the purpose of receiving the Prime Minister of Thailand.

There being no objection, the Senate, at 5:22 p.m., recessed until 5:27 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

## MORNING BUSINESS

Mr. MURKOWSKI. Mr. President, on behalf of the majority leader, I ask unanimous consent that there now be a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

# ADMINISTRATION'S RECORD AL- LWS CHINA TO GET BY WITH WHOLESALE MURDER

Mr. HELMS. Mr. President, the Foreign Relations Committee recently received an alarming letter—which the State Department was required to send pursuant to Title IV of public law 105-118—explaining that the United Nations Population Fund (known as UNFPA) is renewing its highly controversial population control program in communist China.

Surely, the most inhumane human rights abuses in China occur in the name of reducing its birth rate. Under Red China's population control regime, women who already have one child are forced to abort their babies, and forced to undergo sterilization procedures. Nazi Germany could not have designed a system more brutally efficient than China's—which systematically kills all but firstborn babies. And from the beginning, UNFPA has worked hand-in-glove with communist Chinese authorities.

In fact, Presidents Reagan and Bush suspended funding for UNFPA precisely because of its activities in China, and it was not until President Clinton was sworn in (promising to keep abortions "safe, legal and rare") that UNFPA began receiving U.S. taxpayer funds again. President Clinton's support for UNFPA has never wavered, even though China never backed off its forced abortion policy.

So now you know, Mr. President, why the Administration occasionally gives lip service to the critics of China's bru-

tal population control program, and why it occasionally assures Congress that it really does not want UNFPA in China. In fact, the Administration went so far as to put this in writing.

I have at hand a letter from AID's Administrator, Brian Atwood, dated September 10, 1993, promising that, "... if there are not significant improvements in China's population program, the United States will not support continued UNFPA assistance to China beyond 1995 when the current program ends." The same promise was made to other members of Congress.

Mr. President, this promise is significant because decisions about UNFPA's programs are made by consensus by its Executive Board. In other words, as a leading contributor to UNFPA, and a member of its Executive Board, the United States had the opportunity and the wherewithal to veto a renewal of China's program. But the Clinton Administration refused to do so, despite promises made to Congress, and despite their own admission that China's population program has not made "significant improvements".

Consider the U.S. statement at UNFPA's Board meeting: "We believe that this program may have the potential to demonstrate clearly the efficacy and sustainability of volunteer, non-coercive family planning." Mr. President, this is cheerleading. It is an endorsement rather than opposition, as promised.

It is curious, Mr. President, that UNFPA's previous 15 year program in China failed to "demonstrate clearly the efficacy and sustainability of volunteer, non-coercive family planning". Clearly, communist China sees nothing wrong with its policy of forced abortion. UNFPA's Executive Director actually praised communist China for "achievements" in controlling its population growth. For the State Department to pretend that UNFPA now cares whether China's program is coercive or not is dishonest.

Mr. President, apparently the Administration cannot or will not keep its word when it comes to this issue. Therefore, I intend to make every effort to see that Congress cuts off funding for UNFPA once and for all. I therefore ask unanimous consent that the following letters be printed in the RECORD at the conclusion of my remarks: (1) a February 13, 1997, letter to me from Barbara Larkin, Assistant Secretary of State for Legislative Affairs; (2) a September 10, 1993, letter to me from AID Administrator Brian Atwood; and (3) a May 18, 1994, letter to Rep. SMITH from AID Administrator Brian Atwood.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF STATE,  
*Washington, DC, February 13, 1998.*

Hon. JESSE HELMS,  
*Chairman, Committee on Foreign Relations,  
U.S. Senate.*

DEAR MR. CHAIRMAN: Pursuant to Title IV (Multilateral Economic Assistance) of the

Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998, (H.R. 2159), as enacted by P.L. 105-118, we are writing to inform you that the United Nations Population Fund (UNFPA) will begin a new program in the People's Republic of China this year. UNFPA has budgeted \$5 million for the China program in 1998, out of a total four-year program budget of \$20 million. UNFPA's previous program in China ended in 1995. UNFPA reported to the Department of State, as we in turn reported to you, that no funds were spent in China in 1996 or 1997.

As you know, the U.S. has long opposed plans for a new China program. While we continue to have concerns regarding renewed UNFPA assistance to China, support for a new program has been strong among every other member country represented on the UNFPA Executive Board. Consequently, on January 19, 1998, the Executive Board approved a new program for China. This new four-year program is the result of more than two years of extensive negotiations between UNFPA and Chinese government officials. It involves activities in 32 counties designed to improve the delivery of voluntary family planning and related health services. The program is an attempt to demonstrate that couples, given the family planning and related health services they need, will freely and responsibly plan their families and help the Chinese fulfill their stated intention of eliminating incentives and disincentives from their nation's family planning program. A key element of this new program is a commitment by the Chinese to suspend or remove birth quotas and targets in project counties. As such, the program reflects the principles of voluntarism and non-coercion which we and the international community have been asking China to adopt and begins to address many of the concerns we have about China's family planning policy. We will be monitoring this new program closely.

As Title IV requires, the \$5 million that UNFPA plans to spend in China in 1998 will be deducted from the \$25 million appropriated in the law for the U.S. contribution to UNFPA.

If you would like further information on the UNFPA program in China, we would be pleased to arrange a briefing.

Sincerely,

BARBARA LARKIN,  
*Assistant Secretary,  
Legislative Affairs.*

THE ADMINISTRATOR, AGENCY FOR  
INTERNATIONAL DEVELOPMENT,  
*Washington, DC, September 10, 1993.*

Hon. JESSE HELMS,  
*Committee on Foreign Relations, Washington,  
DC.*

DEAR SENATOR HELMS: Thank you for your letter of August 16, 1993, requesting additional information about the Administration's decision to provide assistance to the United Nations Population Fund (UNFPA) and the Human Reproduction Program of the World Health Organization (WHO/HRP).

## UNFPA POLICY DETERMINATION

Rapid population growth presents enormous problems for developing and developed countries in the immediate future. This Administration is acting to establish a role for the United States as a world leader to meet this challenge. President Clinton invited the Executive Director of UNFPA to a White House ceremony on January 22, 1993, when he ordered A.I.D. to stop implementing the Mexico City Policy; he has directed a reorganization of the State Department to reflect the greater priority placed on population as a global issue; and in May, State Department Counselor Wirth reconfirmed the Clinton Administration's intention to resume funding